

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE KANE KICKING WOMAN,

Defendant.

CR 18-33-GF-BMM

ORDER

Defendant Kyle Kicking Woman (Kicking Woman) appeared before United States Magistrate Judge John Johnston on July 10, 2018, and entered a plea of guilty to Escape as charged in the Indictment. Judge Johnston entered Findings and Recommendations on July 10, 2018. (Doc. 22). Judge Johnston determined: (1) that Kicking Woman was fully competent and capable of entering an informed and voluntary plea; (2) that Kicking Woman was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) that Kicking Woman understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; and (4) that Kicking Woman's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in the Indictment. (Doc. 22 at 1-2). Judge Johnston recommended that this Court accept Kicking

Woman's plea of guilty to Escape as charged in the Indictment. (Doc. 22 at 2).

Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error given that no objections were filed. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

Kicking Woman's Motion to Change Plea (Doc. 17) is GRANTED.

DATED this 31st day of July, 2018.



Brian Morris
United States District Court Judge